

Attorney Docket No. 588AW [2681.3184.001]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **Brian W. Brandner et al**
Ser. No. 10/726,182
Filed: December 2, 2003
For: Fuel System Component and Method of Manufacture
Examiner: Shawn M. Braden
Group Art Unit: 3727
In reply to: Patent Office Letter of 09/17/2007 (copy attached)

CERTIFICATE OF MAILING

Date of Deposit with U.S. Postal Service **OCTOBER 2, 2007**. I hereby certify that this paper is being deposited with the United States Postal Service as first class mail under 37 CFR 1.8 on the date indicated above and is addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Shirley A. Langley
Shirley A. Langley

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO PAPER OF 09/17/2007

This is a response to the Patent Office Paper of 09/17/2007 (copy enclosed).

The Paper stated there was an improper request for continued examination (RCE) filed on 8/30/07.

This was not a request for an RCE application. Rather, we merely enclosed a courtesy copy of the RCE Form previously sent on January 26, 2007. The reason we

enclosed a courtesy copy of the RCE Form previously furnished was because the Patent Office indicated and acknowledged our request for a CPA application and noted that the CPA practice was eliminated. We never filed a CPA request and we were merely enclosing a copy of the RCE form which we filed in January 2007 to show the Patent Office that we filed the proper form for an RCE which it incorrectly called a request for a CPA application.

Apparently the Patent Office treated the "copy" of the previously filed RCE form of 01/26/2007 as a request for another RCE and this was never the intention. It was just a courtesy copy. We assume that the USPTO did not charge our deposit account for another RCE application.

We believe the application is in proper form for further action and will await a response to the amendment which we sent to the Patent Office on August 28, 2007.

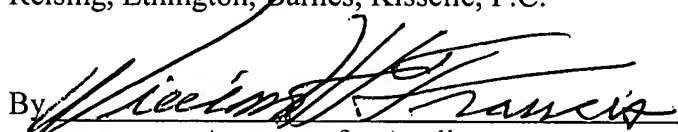
Respectfully submitted,

Reising, Ethington, Barnes, Kisselle, P.C.

WHF:sal

Enclosure

By

A handwritten signature in black ink, appearing to read "William H. Francis", written over a horizontal line.

Attorneys for Applicants

William H. Francis #25,335

Telephone (248) 689-3500, Ext 153

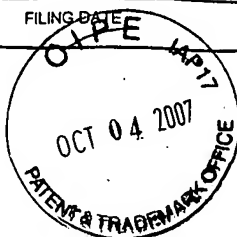
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
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DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 8/14/07 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). An RCE cannot be treated as a CPA.
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
- ☒ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☐ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: A continued prosecution application (CPA) under 37 CFR 1.53(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date on or after June 8, 1995 will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an improper RCE for the reason(s) indicated above.

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions concerning this notice to:

David Feltner, Technology Center 3700
(703) 305-4340